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Counsel for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

PETER BATCHKOFF on behalf of himself and  
others similarly situated,

Plaintiff,

v.

BOEHRINGER INGELHEIM  
PHARMACEUTICALS, INC.,

Defendant

Case No. C10-4830-EDL

**STIPULATION TO CONTINUE INITIAL  
CASE MANAGEMENT CONFERENCE  
AND RELATED DEADLINES;  
[PROPOSED] ORDER THEREON**

Complaint Filed: September 24, 2010  
Trial Date: None Set

TO THE HONORABLE COURT:

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff PETER BATCHKOFF ("Plaintiff") and Defendant BOEHRINGER INGELHEIM PHARMACEUTICALS, INC. ("Defendant"), through their respective counsel of record, as follows:

## **RECITALS**

1. The complaint commencing this action was filed on September 24, 2010 in the San Francisco County Superior Court.

2. On October 25, 2010, Defendant removed the subject matter to the United States District Court, Northern District of California, and the Court issued an order setting the Initial Case Management Conference on February 1, 2011; January 11, 2011 as the last day to meet and confer regarding initial disclosures, early settlement, ADR process selection, and discovery plan (collectively “ADR deadlines”); and January 25, 2011 as the last day to file a Rule 26(f) report and complete initial disclosures (“Rule 26(f) deadline”).

3. On November 30, 2010, a Motion for Transfer and Coordination and/or Consolidation was filed with the United States Judicial Panel on Multidistrict Litigation by Plaintiff Catherine Copellos to coordinate and consolidate the instant case with the following three cases:

- Catherine Copello v. Boehringer Ingelheim Pharmaceuticals, Inc., Case No. 10-cv-7396 (N.D. Ill.)
  - Luann Ruggeri, Richard Jaramillo, and Prakash Naik v. Boehringer Ingelheim Pharmaceuticals, Inc., Civil Action No. 3:06 CV 1985 (JBA) (D. Conn.)
  - Marta Lopez-Lima v. Boehringer Ingelheim Pharmaceuticals, Inc., Case No. 1:10-cv-22398-UU (S.D. Fla)

4. Case Number MDL No. 2219 was assigned to the motion to coordinate and consolidate, and a hearing was set for January 27, 2011

5. On January 4, 2011, the Court issued an amended notice setting the Initial Case Management Conference for February 8, 2011 at 4:00 PM. On January 6, 2011, the Court issued

1 a second amended notice setting the Initial Case Management Conference for February 9, 2011 at  
2 4:00 PM.

3 6. The Parties agree that postponement of the currently scheduled ADR deadlines,  
4 Rule 26(f) deadline, and Initial Case Management Conference until after the hearing on the  
5 motion to coordinate and consolidate this case with the three above-named cases would avoid  
6 potentially unnecessary attorneys fees and costs, increase judicial efficiency and is in the interests  
7 of justice.

8 **STIPULATION**

9 The Parties, in light of the recitals detailed above, stipulate and agree to continue the  
10 currently scheduled deadlines until approximately thirty days after the January 27, 2011 hearing  
11 on the pending motion to coordinate and consolidate to the following dates or as soon thereafter  
12 as the Court will permit:

13 **January 11, 2011** deadline to meet and confer regarding early settlement, ADR  
14 process selection, and discovery plan be rescheduled to **March 1, 2011**;  
15 **January 25, 2011** deadline to file a Rule 26(f) report and complete initial  
16 disclosures be rescheduled to **March 15, 2011**;  
17 **February 9, 2011** Initial Case Management Conference be rescheduled to **March**  
18 **22, 2011**.

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1 Date: January 6, 2011

JACKSON LEWIS LLP

2 By:

3 Cary G. Palmer  
4 Nathan W. Austin

5 Attorneys for Defendant  
6 BOEHRINGER INGELHEIM  
7 PHARMACEUTICALS, INC

8 Date: 1/6, 2011

9 RUDY, EXELROD, ZIEFF & LOWE, LLP

10 By:

11 Steven G. Zieff (SBN 84222)  
12 David A. Lowe (SBN 178811)  
13 John T. Mullan

14 Attorneys for Plaintiff

15 **IT IS SO ORDERED.**

16 Dated: January 7, 2011

17 Elijah R. D. LaPorte  
18 Judge Elizabeth D. LaPorte

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